

Appl. No. 10/669,910
Amtdt. Dated April 5, 2006
Reply to Office Action of January 6, 2006

• • R E M A R K S / A R G U M E N T S • •

The Official Action of January 6, 2006 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment independent claim 1 has been changed to recite longitudinally opposite end margin portions extending in a transverse direction and defining peripheral longitudinal edge portions of the liquid-absorbent core and transversely opposite side edge margin portions extending in a longitudinal direction and defining peripheral transverse edge portions of the liquid-absorbent core. This recitation is believed to more clearly describe the margin portions as shown in the figures.

In addition, independent claim 1 has been changed to recite the strap extends longitudinally outward from the front region and that inner fixed portions of the strap lie on and extend along a length of the side edge margin portions.

Support for this limitation can be readily found in the drawings, for example, Figs. 10, 1-5, 7-9, *et seq.*

Other changes to the claims address and correct matters of form, grammar, antecedent basis issues and similar editorial matters without changing the scope of the claims.

Entry of the changes to the claims is respectfully requested.

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Claims 1-10 are pending in this application.

On page 2 of the Office Action the Examiner objected to claim 10. Under this objection the Examiner stated that the phrases "said topsheet" and "said tape fastener" lack antecedent basis in the claims.

Claim 10 has been amended herein to correct the antecedent basis problems noted by the Examiner.

Claims 1, 3, 4, and 6-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,651,779 to Burrell.

Claims 1, 3, 5, 7, and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,368,313 to Howard.

Claims 1-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,745,926 to Hlusko.

For the reasons set forth below it is submitted that all of the pending claims are allowable over the prior art of record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Burrell as disclosing:

...a disposable body fluid absorbent pad comprising a top surface facing a wearer's body, a back surface facing away from said wearer's body and a liquid-absorbent core interposed between said top and back surfaces and being contoured by longitudinally opposite end margins extending in a transverse direction and transversely opposite side edge margins extending in a longitudinal direction and being relatively large in said longitudinal direction (col. 6, lines 13-26), said disposable body fluid absorbent

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pad further comprising: said pad having a front region destined to cover a wearer's belly, a rear region destined to cover a wearer's hip and an intermediate region destined to cover a wearer's crotch when said pad is put on said wearer's body (figures 1 - 3), said pad including a strap adapted to pull said pad in said longitudinal direction and said strap having inner fixed portions lying on said side edge margins and secured to said pad on a surface facing said wearer's body and a hand-grip extending between said inner fixed portions as set forth in figure 5.

Applicants' independent claim 1 defines the longitudinally opposite end margin portions as defining peripheral longitudinal edge portions of the liquid-absorbent core and the transversely opposite side edge margin portions as defining peripheral transverse edge portions of the liquid-absorbent core.

In addition, independent claim 1 requires that the strap extends longitudinally outward from the front region and that inner fixed portions of the strap lie on and extend along a length of the side edge margin portions.

In Burrell, there are no straps that extend longitudinally outward from the front region of the panty liner that have inner fixed portions that extend along a length of the side edge margin portions of the panty liner.

Burrell teaches a plurality of straps 36 which outward along the periphery of the panty liner. At the opposite longitudinal ends there are straps that extend outward in Burrell; however, these straps do not have inner fixed portions that lie on and extend along a length of the side edge margin portions - which would correspond to the edge liner strips 42 of Burrell.

Accordingly, Burrell does not anticipate applicants' invention as set forth in independent claim 1.

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It is noted that the strap of the present invention is used to pull the body fluid absorbent pad as discussed in reference to Fig. 14. Accordingly, it can be appreciated how the structure of having the inner fixed portions of the strap lie on and extend along a length of the side edge margin portions is important.

The panty liner of Burrell does not require such pulling and therefore does not include or require a structure similar to that claimed by applicants.

The Examiner has relied upon Howard as disclosing:

... a disposable body fluid absorbent pad comprising a top surface facing a wearer's body (top outer surface of absorbent), a back surface facing away from said wearer's body and a liquid-absorbent core being contoured by longitudinally opposite end margins extending in a transverse direction and transversely opposite side edge margins extending in a longitudinal direction and being relatively large in said longitudinal direction (col. 5, lines 1 -10), said disposable body fluid absorbent pad further comprising: said pad having a front region destined to cover a wearer's belly, a rear region destined to cover a wearer's hip and an intermediate region destined to cover a wearer's crotch when said pad is put on said wearer's body (figure 1), said pad including a strap (60) adapted to pull said pad in said longitudinal direction and said strap having inner fixed portions lying on said side edge margins and secured to said pad on a surface facing said wearer's body and a handgrip extending between said inner fixed portions as set forth in figures 2 and 5-8.

Howard teaches a diaper for a dog.

The diaper of Howard does not even have side edge margin portions that extend in a longitudinal direction and define peripheral transverse edge portions of the liquid-absorbent core.

Moreover, the elastic first straps 56 of Howard are only attached to font end of bib 68 at central points as shown in Fig. 2 and do not extend along a length of the side edge margin portions of the diaper.

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Accordingly, Howard fails to anticipate applicants' claimed invention.

The Examiner has relied upon Hlusko as disclosing:

... a disposable body fluid absorbent pad comprising a top surface facing a wearer's body and a back surface facing away from said wearer's body and being contoured by longitudinally opposite end margins extending in a transverse direction and transversely opposite side edge margins extending in a longitudinal direction and being relatively large in said longitudinal direction, said disposable body fluid absorbent pad further comprising: said pad having a front region destined to cover a wearer's belly, a rear region destined to cover a wearer's hip and an intermediate region destined to cover a wearer's crotch when said pad is put on said wearer's body (figure 4), said pad including a strap adapted to pull said pad in said longitudinal direction and said strap having inner fixed portions lying on said side edge margins and secured to said pad on a surface facing said wearer's body and a hand-grip extending between said inner fixed portions as set forth in figure 4.

The Examiner concedes that Hlusko "not explicitly teach a liquid absorbent core interposed between the top and back surface."

The Examiner takes the position that:

...it would be obvious to one of ordinary skill in the art to provide this modification because Hlusko teaches that the pad is patterned after a diaper with straps attached (col. 2, lines 40 - 42).

As shown in Figs. 3 and 4, the side arms 23 and 24 of the H-shaped strap of Hlusko do not extend along a length of the side edge margin portions of the diaper.

Rather, the ends of the side arms 23 and 24 of the H-shaped strap of Hlusko are fixed to central portions of the front waist area of the diaper and rear straps 3 and 4 can be attached to strips 31 and 32 on the central portion of the rear waist region.

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As in the case of Burrell and Howard, Hlusko is not designed or intended to be pulled in the manner of applicants' invention and therefore the structure and configuration is not at all similar to applicants' invention.

The Examiner is invited and encouraged to compare applicants' figures with the prior art, because it is believed that the differences between the present invention and the prior art are readily apparent from applicants' Figures, particularly Figs. 5 and 14 which illustrate how applicants' straps are used and can be used because of their structure and construction.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

Moreover, it is submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §103 to establish a prima facie case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

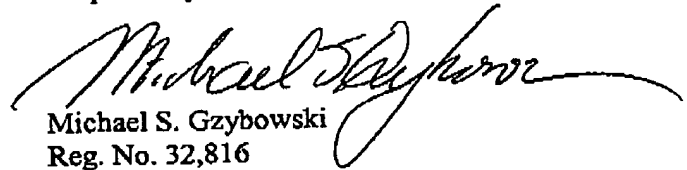
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It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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